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6 FERMIN SOLIS ANIEL and ERLINDA  
7 ABIBAS ANIEL,  
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9 Plaintiffs,

10 v.  
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12 AURORA LOAN SERVICES LLC, et al.,  
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14 Defendants.  
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16 No. C 10-01042 JSW  
17

18 **ORDER REQUIRING  
19 SUPPLEMENTAL BRIEFING**

20 In its reply brief, Aurora raises a new argument that Plaintiffs now lack standing to bring  
21 the claims that remain in this case because Plaintiffs' bankruptcy proceedings have been  
22 converted from proceedings brought under Chapter 11 to proceedings brought under Chapter 7  
of the United States Bankruptcy Code and, thus, because the claims have not been abandoned or  
qualified for an exemption, only the Trustee has standing to pursue the claims. The Court  
HEREBY ORDERS Plaintiffs to file a supplemental brief, not to exceed five (5) pages, that  
addresses this limited argument.

23 **Plaintiffs' supplemental brief shall be due by no later than 10:00 a.m. Tuesday,  
24 October 12, 2010.** The Court shall not permit a further response from Aurora. The hearing on  
25 the motions to dismiss remains on calendar on October 15, 2010, unless otherwise ordered by  
26 the Court.

27 In its Supplemental Request for Judicial Notice, Aurora submits Plaintiffs' Form 7  
28 Statement of Financial Affairs, filed in the Bankruptcy Proceeding, which does not include a  
reference to this lawsuit. Accordingly, it is FURTHER ORDERED that Plaintiffs are directed

1 to serve a copy of this Order on the Bankruptcy Trustee by no later than October 8, 2010, and  
2 shall file proof of such service with this Court.

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4 **IT IS SO ORDERED.**

5 Dated: October 4, 2010

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*Jeffrey S. White*  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

FERMIN SOLIS ANIEL et al.

Plaintiff,

V.

AURORA LOAN SERVICES LLC et al,

Defendant.

Case Number: CV10-01042 JSW

## **CERTIFICATE OF SERVICE**

10 \_\_\_\_\_ /

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

13 That on October 4, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
located in the Clerk's office.

17 Erlinda Abibas Aniel  
18 75 Tobin Clark Drive  
Hillsborough, CA 94010

19 Fermin Solis Aniel  
20 75 Tobin Clark Drive  
Hillsborough, CA 94010

21 || Dated: October 4, 2010

Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk